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SENATE BILL 282

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

John Arthur Smith

AN ACT

RELATING TO RECREATIONAL VEHICLES; AUTHORIZING SPECIAL EVENT
LICENSES UNDER CERTAIN CONDITIONS; AMENDING AND ENACTING
SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 66-4-2 NMSA 1978 (being Laws 1978,
Chapter 35, Section 215, as amended) is amended to read:

"66-4-2. DEPARTMENT TO ISSUE LICENSE. --

A. Except for recreational vehicle dealers, the
department, upon receiving application accompanied by the
required fee and when satisfied that the applicant is of good
character and ~~[so far as can be ascertained]~~ has complied with
~~[and will comply with]~~ the laws of this state with reference to
the registration of vehicles and certificates of title and the
provisions of the Motor Vehicle Code, shall issue to the

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[bracketed material] = delete

1 applicant a license [~~which~~] that entitles the licensee to
2 [~~carry on and~~] conduct the business of a dealer, wrecker of
3 vehicles or title service company [~~as the case may be during~~
4 ~~the period for which the license is issued. The license shall~~
5 ~~expire on the last day of the period for which it is issued and~~
6 ~~may be renewed upon application and payment of the fee required~~
7 ~~by law~~].

8 B. [~~Any~~] A dealer or wrecker of vehicles licensee,
9 before moving any one or more of the licensee's places of
10 business or opening any additional place of business, shall
11 apply to the department for and obtain a supplemental license
12 for which no fee shall be charged. No supplemental license
13 shall be issued to a dealer, other than a dealer in
14 motorcycles, for an additional place of business unless:

15 (1) the place of business is an established
16 place of business; or

17 (2) the ~~majority~~ of dealers, other than
18 dealers in motorcycles, in the county in which the proposed
19 additional place of business would be located have been offered
20 the opportunity, in documentation acceptable to the department,
21 to offer vehicles for sale at the proposed additional place of
22 business by the applicant; provided that the offer shall be for
23 sale of vehicles at all times at which the applicant proposes
24 to sell vehicles and shall not be conditioned upon the payment
25 of any fee by any dealer to whom it is addressed greater than a

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1 fair share of the actual expenses incurred.

2 C. Any person to whom the department has issued a
3 license to conduct the business of a dealer in motorcycles is
4 also deemed a wrecker of motorcycles without additional
5 license.

6 D. The department is authorized to establish a
7 staggered system for licensing of dealers, wholesalers,
8 distributors and wreckers of vehicles and of title service
9 companies, provided that any license issued shall expire on the
10 last day of a month. [~~During the initial adjustment period of~~
11 ~~July 1, 1999 through December 31, 2000, the department may~~
12 ~~issue licenses for periods less than twelve months or up to~~
13 ~~twenty one months to establish a more uniform monthly pattern~~
14 ~~of expirations. For any license issued for a period other than~~
15 ~~twelve months during the initial adjustment period, the fee~~
16 ~~imposed pursuant to Section 66-6-18 NMSA 1978 shall be adjusted~~
17 ~~accordingly. After the initial adjustment period] Licenses
18 issued shall be issued for a period of twelve months."~~

19 Section 2. A new section of the Motor Vehicle Code,
20 Section 66-4-2.1 NMSA 1978, is enacted to read:

21 "66-4-2.1. [NEW MATERIAL] RECREATIONAL VEHICLE DEALERS--
22 LICENSURE--SPECIAL EVENTS. --

23 A. A dealer, as defined in Section 66-1-4.4 NMSA
24 1978, shall apply to and be issued by the department a license
25 to deal in recreational vehicles if the department finds the

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1 applicant is in compliance with department rules regarding
2 registration of vehicles, certificates of title and all
3 provisions of the Motor Vehicle Code. Renewal of a license
4 shall be according to rules of the department for a period of
5 twelve months.

6 B. The department shall issue a "special event"
7 license to a licensed New Mexico recreational vehicle dealer to
8 conduct business at a location other than the dealer's listed
9 primary place of business, upon forms issued by the department,
10 provided:

11 (1) the special event is focused on the
12 business of recreational vehicles as conducted at the
13 applicant's primary place of business;

14 (2) the location of the special event is an
15 established place of business; and

16 (3) the majority of recreational vehicle
17 dealers in the county where the special event is to be held are
18 notified, in a manner approved by the department, of the
19 special event and offered the opportunity to participate and
20 offer vehicles for sale under identical conditions established
21 by and for the applicant and approved by the department. The
22 applicant may charge other recreational vehicle dealers a
23 participation fee sufficient to defray the actual expenses of
24 the special event; or

25 (4) if the special event is sponsored by a

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1 national recreational vehicle organization and the applicant is
2 not licensed to do business in New Mexico, the application is
3 accompanied by an application and a certified letter from that
4 New Mexico licensed dealer committing to serve as host dealer
5 to the out-of-state applicant. "

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